

Notice of Allowability

Application No.

10/711,339

Examiner

Lars A. Olson

Applicant(s)

SAITO, HIDEAKI

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received from the applicant on September 10, 2005.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. On line 2 of Claim 12, the phrase "a lip like upper edge" has been deleted and replaced with the phrase "a lip formed at its upper edge" in accordance with the amendment to Claim 3 as made by the applicant.
3. An amendment was received from the applicant on September 10, 2005.

Reasons for Allowance

4. Claims 1-14 are allowed.
5. The following is an examiner's statement of reasons for allowance. The position adjusting arrangement for an outboard drive as claimed is not shown or suggested in the prior art because of the use of an arrangement that is comprised of a first unit that is fixed for pivotal movement relative to a watercraft hull, and a second unit that is adapted for connection to said outboard drive, one of said units being further comprised of a body with a cylinder bore, and the other of said units being further comprised of a piston that is configured to reciprocate within said cylinder bore, and a piston rod that is fixed to said piston at one end and connects with said outboard drive at another end, where

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said piston is formed with a closed bottom cavity on an uppermost surface of said piston for receiving and entrapping foreign particles.

6. The prior art as disclosed by Nishi et al. (US 6,280,268) shows the use of a tilt cylinder for an outboard drive, said tilt cylinder being comprised of a cylinder bore, a piston that reciprocates within said cylinder bore, a piston rod that is fixed to said piston and extends through said tilt cylinder for connection to an outboard drive, a reservoir for a hydraulic fluid circulating system, and an open bottom cavity that is formed in an uppermost surface of said piston. However, none of the prior art cited shows or suggests the use of a position adjusting arrangement for an outboard drive, said arrangement being comprised of a first unit that is fixed for pivotal movement relative to a watercraft hull, and a second unit that is adapted for connection to said outboard drive, one of said units being further comprised of a body with a cylinder bore, and the other of said units being further comprised of a piston that is configured to reciprocate within said cylinder bore, and a piston rod that is fixed to said piston at one end and connects with said outboard drive at another end, where said piston is formed with a closed bottom cavity on an uppermost surface of said piston for receiving and entrapping foreign particles.

Conclusion

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

September 19, 2005

LARS A. OLSON
- PRIMARY EXAMINER
Lars Olson
9/19/05